

108TH CONGRESS
2D SESSION

H. R. 5058

To amend the Immigration and Nationality Act to permit alien children receiving medical treatment in the United States to be classified as immediate relatives to avoid extreme hardship to themselves or their immediate relative alien parents.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 9, 2004

Mr. SHAW introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to permit alien children receiving medical treatment in the United States to be classified as immediate relatives to avoid extreme hardship to themselves or their immediate relative alien parents.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. CLASSIFICATION OF ALIEN CHILDREN RECEIV-**
2 **ING MEDICAL TREATMENT IN UNITED**
3 **STATES AS IMMEDIATE RELATIVES TO AVOID**
4 **EXTREME HARDSHIP TO THEMSELVES OR**
5 **THEIR IMMEDIATE RELATIVE ALIEN PAR-**
6 **ENTS.**

7 (a) IN GENERAL.—Section 201(b)(2)(A) of the Im-
8 migration and Nationality Act (8 U.S.C. 1151(b)(2)(A))
9 is amended by adding at the end the following new clause:

10 “(iii) A child (as defined in subparagraph (A),
11 (B), (C), (D), or (E) of section 101(b)(1)) of an
12 alien parent who is classified as an immediate rel-
13 ative under paragraph (2)(A)(i) may be classified as
14 an immediate relative for purposes of this sub-
15 section, if the Secretary of Homeland Security deter-
16 mines, on the basis of a petition that is filed on be-
17 half of the child under section 204(a)(1)(A)(vii),
18 that—

19 “(I) the child is in the United States and
20 is accompanied by the alien parent;

21 “(II) in consultation with the Secretary of
22 Health and Human Services, the child is receiv-
23 ing medical treatment which is unavailable out-
24 side the United States; and

25 “(III) such classification is necessary to
26 avoid extreme hardship to the child or parent.”.

1 (b) PETITIONING PROCEDURE.—Section
2 204(a)(1)(A) of such Act (8 U.S.C. 1154(a)(1)(A)) is
3 amended by adding at the end the following new clause:
4 “(vii) An alien may file a petition with the Secretary
5 of Homeland Security for classification of a child of such
6 alien as an immediate relative under clause (iii) of section
7 201(b)(2)(A), if the alien is a parent of the child and a
8 petition for classification of the alien as an immediate rel-
9 ative parent under clause (i) of such section has been filed
10 under clause (i) of this subparagraph.”.

11 (c) CONFORMING AMENDMENT.—Section 201(f)(1)
12 of such Act (8 U.S.C. 1151(f)(1)) is amended by striking
13 “(b)(2)(A)(i)” and inserting “(b)(2)(A)” each place it ap-
14 pears.

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